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SENATE

{ REPORT
112-148

LAKE TAHOE RESTORATION ACT OF 2011

FEBRUARY 7, 2012.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 432]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 432) to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes, having considered the same, reports favorably thereon, with amendments, and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

The Lake Tahoe Restoration Act of 2011 reauthorizes the Lake Tahoe Restoration Act. S. 432 authorizes \$415 million over 10 years for forest fuels management, watershed restoration, stormwater management, and other projects. The bill would create a science program and authorize efforts to prevent introduction of invasive species like quagga and zebra mussels. The bill also funds efforts for recovery of Lahontan cutthroat trout.

Lake Tahoe, located in the Sierra Nevada Mountains, is the second deepest lake in North America and the 10th deepest (1,645 feet deep) lake in the world.¹ Known for the incredible clarity of its waters and its scenery, Lake Tahoe is a major tourist and recreational attraction for California and Nevada.²

¹U.S. Geological Survey, Facts about Lake Tahoe, Accessed at: <http://tahoe.usgs.gov/facts.html>.

²U.S. Forest Service, Welcome to Lake Tahoe Basin Mgmt Unit, Accessed at: <http://www.fs.usda.gov/ltbmu>.

The Lake is threatened by pollution, drought, and wildfires. Due to pollution and sedimentation, the Lake is losing its treasured clarity. Clarity has degraded from over 100 feet in the 1960's to an annual average depth of 67.7 feet.³ Urbanization of the basin has eliminated 75% of its marshes, 50% of its meadows, and 35% of its stream zone habitat.⁴ Fire suppression in the Tahoe Basin has harmed the ecological health of its forests making them highly vulnerable to insect, disease and catastrophic wildfire.⁵

In the 1960s, leaders in California and Nevada approved a bi-state compact that created a regional planning agency to oversee development at Lake Tahoe. In 1969, the United States Congress ratified the agreement and created the Tahoe Regional Planning Agency (TRPA). The Compact was revised in 1980 to give TRPA authority to adopt environmental quality standards known as thresholds and to enforce ordinances to achieve the thresholds.⁶ In 1997, TRPA created the Environmental Improvement Plan (EIP), which involved 50 state, federal, and local agencies and included capital improvement, research, and maintenance projects to restore Lake clarity and the Basin's environment.⁷

A 1997 Presidential Executive Order created the Lake Tahoe Federal Interagency Partnership to lead a 10-year clean-up effort. As part of this partnership, Congress passed the Lake Tahoe Restoration Act (P.L. 106–506; 114 Stat. 2358), which was originally passed in 2000 and authorized \$300 million over ten years to restore the Lake. The funding supported land acquisition, erosion control, forest management, fire suppression, and improving local watersheds and water quality.⁸ The 2000 Lake Tahoe Restoration Act has enabled over 270 environmental projects and restoration activities around the Lake.⁹

In 2003, Congress established an ongoing source of funding for Tahoe restoration efforts. Proceeds from federal land sales in the Las Vegas area are set aside to fund the annual federal contribution to the restoration of the basin.¹⁰

Introduced by Senator Feinstein on March 2, 2011, and co-sponsored by Senators Reid, Boxer, and former-Senator Ensign, the Lake Tahoe Restoration Act of 2011 is a reauthorization of the expiring legislation passed in 2000. S. 432 authorizes \$415 million over ten years to combat invasive species, improve water clarity, reduce the threat of catastrophic wildfire, and restore the environment.

³U.S. Geological Survey, Facts about Lake Tahoe, Accessed at: <http://tahoe.usgs.gov/facts.html>.

⁴Editors, UC scientists alert Clinton to Lake Tahoe's woes, California Agriculture 51(5):4–5, Accessed at: <http://ucanr.org/repository/cao/landingpage.cfm?article=ca.v05In05p4&fulltext=yes> (1997).

⁵Tahoe Regional Planning Agency, Restoration in Progress: Environmental Improvement Program Update, Accessed at: <http://www.trpa.org/documents/docdownlds/EIP/Update/EIP> (“Restoration in Progress”) (2010).

⁶Tahoe Regional Planning Agency, About TRPA, Accessed at: <http://www.trpa.org/default.aspx?tabindex=0&tabid=3> (2012).

⁷“Restoration in Progress”

⁸U.S. Forest Service, Lake Tahoe Basin Management Unit: Partnerships, Accessed at: http://www.fs.usda.gov/ups/portal/fsinternet/!ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP0os3giAwhwtDDw9-AI8zFyhQoY6BdhOyoCAGixyPg!/?ss=110519&navtype=BROWSEBYSUBJECT&cid=FSM9-046609&navid=1401100000000000&pnavid=1400000000000000&position=Feature*&type=detail&pname=Lake%2520Tahoe%2520Basin%2520Mgt%2520Unit-%2520Partnerships (“Partnerships”).

⁹“Restoration in Progress”.

¹⁰“Partnerships”.

OBJECTIVES OF THE LEGISLATION

This bill will amend the Lake Tahoe Restoration Act to authorize \$415 million over ten years to combat invasive species, improve water clarity, reduce the threat of catastrophic wildfire, and restore the environment of the Lake Tahoe Basin.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 notes that this Act may be cited as the “Lake Tahoe Restoration Act of 2011”.

Section 2. Findings and purposes

Section 2 amends the Lake Tahoe Restoration Act by updating its “Findings and Purposes” section to include relevant findings and actions since 2000, including references to the 2008 and 2009 Lake Tahoe Forums and updated estimates of the level of support provided by the Federal Government, the States of California and Nevada, units of local government and the private sector to the Lake Tahoe Basin since 1997.

Section 3. Definitions

Section 3 amends the Lake Tahoe Restoration Act by revising and expanding the definitions sections to include additional terms.

Section 4. Administration of the Lake Tahoe Basin Management Unit

Section 4 amends Section 4 of the Lake Tahoe Restoration Act to add subsections “(c)” through “(g)”, which include additional requirements and authorities for the management of the Lake Tahoe Basin.

Subsection “(c)” requires the Lake Tahoe Basin Management Unit to manage vehicular parking and traffic in the Unit with priority given to improving public access, including prioritization of alternatives to the private automobile; coordination with state transportation agencies, and providing support to local public transit systems. This section also authorizes the Secretary of Agriculture, acting through the Chief of the U.S. Forest Service (Secretary), to enter into an agreement with the Secretary of Transportation to secure operating and capital funds for the National Forest Transit Program.

Subsection “(d)” requires the Secretary to coordinate with the Administrator of the Environmental Protection Agency (Administrator) as well as State and local agencies and organizations, including local fire departments and volunteer groups.

This subsection also requires the Secretary to: (1) conduct forest management activities in the Lake Tahoe Basin in a manner that helps achieve and maintain the environmental threshold carrying capacities established by the Tahoe Regional Planning Agency (Agency) and attains multiple ecosystem benefits, unless the attainment of such benefits would excessively increase the project’s cost in relation to the additional benefits gained; (2) establish post-project ground condition criteria for ground disturbance caused by forest management activities; and (3) provide for monitoring to ascertain the attainment of such conditions.

Subsection “(e)” withdraws federal land located in the Unit from: (1) all forms of entry, appropriation, or disposal under the public land laws; (2) location, entry, and patent under the mining laws; and (3) disposition under all laws relating to mineral and geothermal leasing.

Subsection “(f)” requires the Lake Tahoe Basin Management Unit to support the attainment of environmental threshold carrying capacities.

Subsection “(g)” allows the Secretary to enter into contracts or cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the Lake Tahoe basin projects or programs. This authority is supplemental to all other cooperative authorities of the Secretary.

This subsection also requires the Secretary to submit a report to Congress regarding the management of the Lake Tahoe Basin Management Unit Urban Lots Program not later than two years after the date of enactment of this Act.

Section 5. Consultation

Section 5 amends Section 5 of the Lake Tahoe Restoration Act to require the Secretary of Agriculture, the Administrator of the EPA, and the Director of the US Fish and Wildlife Service to regularly consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee to ensure effective implementation this Act.

Section 6. Authorized projects

Section 6 replaces Section 6 of the Lake Tahoe Restoration Act and provides authorizations for the basin’s highest priority projects and programs, including:

- \$40 million for projects that capture and treat sediment from the basin’s urbanized areas, the largest source of runoff that impacts lake clarity;
- \$32 million to restore the basin’s watersheds and wildlife;
- \$136 million for projects to improve forest health and reduce the risk of catastrophic wildfire;
- \$20.5 million for the basin’s efforts to control invasive species through inspection, treatment, and prevention programs;
- \$20 million to restore the Lahontan Cutthroat Trout and other special status species; and
- \$30 million to support the Lake Tahoe Basin Program led by EPA.

All projects authorized under this section must include funds for monitoring and assessment of the results and effectiveness of the project using the integrated multiagency performance measures established in the science program developed under section 11.

Section 7. Environmental restoration priority list

Section 7 amends the Lake Tahoe Restoration Act by replacing “Section 8” and “Section 9” and adding new Sections 10–15.

“Section 8” requires the Chair of the Lake Tahoe Federal Interagency Partnership, in consultation with the Secretary, the Director of the US Fish and Wildlife Service, the Administrator of the Environmental Protection Agency (EPA), the Tahoe Regional Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium, to submit to Congress a prioritized list of all Environmental Improvement Program projects for the Basin. This priority list is developed based on a list of criteria, including the ability of the project to significantly contribute to achievement of environmental threshold carrying capacities.

This section reserves a minimum share of funding authorized by the Act for implementation of projects included on the priority list.

“Section 9” establishes a program led by the Director of the US Fish and Wildlife Service in coordination with the Tahoe Regional Planning Agency, the California Department of Fish and Game, and the Nevada Department of Wildlife to deploy strategies for preventing the introduction of aquatic invasive species into the Lake Tahoe Basin, including inspection and decontamination of vessels. The strategies developed apply to all watercraft to be launched on water within the Basin. This section also provides authority to assess fees to support decontamination efforts and establishes civil penalties for launching a vessel not in compliance with the strategies set forth in this section.

“Section 10” allows the Assistant Secretary of the Army (Civil Works) who oversees the US Army Corps of Engineers to enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program

“Section 11” requires the Administrator to implement a Lake Tahoe Program that includes: (1) developing and updating an integrated multiagency programmatic assessment and monitoring plan and evaluating the effectiveness of the Agency’s Environmental Improvement Program; and (2) providing support to governments in reducing pollutants that contribute to the loss of lake clarity.

“Section 12” directs the Secretary, Administrator, and Director of the US Fish and Wildlife Service to coordinate with the Tahoe Regional Planning Agency to conduct public education and outreach programs.

“Section 13” directs the Administrator, in consultation with the Chair of the Lake Tahoe Federal Interagency Partnership, the Secretary, the Director of the US Fish and Wildlife Service, the Tahoe Regional Planning Agency, and the States of California and Nevada, to provide an annual report to Congress on: the status of Federal, state, and local projects authorized by the Act; Federal, state and local expenditures, monitoring and assessment, and public outreach and education.

“Section 14” directs the Federal agencies involved in restoration of Lake Tahoe to prepare and submit an annual cross-cut budget to Congress that outlines each Federal agency’s responsibilities and provides a detailed accounting of funds used by Federal agencies in the preceding year to implement the Environmental Improvement Program.

“Section 15” provides for the establishment of a grant to develop a Basin watershed strategy.

Section 8. Relationship to other laws

Section 8 amends “Section 17” of the Lake Tahoe Restoration Act (as redesignated by section 7(2)) by inserting “, Director, or Administrator” after “Secretary”.

Section 9. Authorization of appropriations

Section 9 amends “Section 18” of the Lake Tahoe Restoration Act by authorizing \$415,000,000 to be appropriated over the next 10 years to implement the Act.

Section 10. Conforming amendments

Section 10 amends Section 3(b) of P.L. 96–586 (94 Stat. 3384) to clarify the Secretary of Agriculture’s authority to transfer or acquire land or interest in land within the Lake Tahoe Basin Management Unit with appropriate units of State government.

LEGISLATIVE HISTORY

Introduced by Senator Feinstein (D–CA) on March 2, 2011, and co-sponsored by Senators, Reid (D–NV) and Boxer (D–CA) and former-Senator Ensign (R–NV), the Lake Tahoe Restoration Act of 2011 is a reauthorization of the expiring Lake Tahoe Restoration Act. The bill was received, read twice, and referred to the Senate Committee on Environment and Public Works.

On December 8, 2011, the Full Committee met to discuss a number of bills including S. 432. During this meeting, the Committee considered the bill and adopted an amendment offered by Senator Boxer that clarifies provisions in the bill that relate to research on the effects of changing temperature and precipitation on the health of Lake Tahoe. S. 432 was ordered to be reported favorably with an amendment by voice vote with Sen. Inhofe recorded as “No”.

HEARINGS

In the 111th Congress, on February 24, 2010, the Full Senate Committee on Environment and Public Works and the Subcommittee on Water and Wildlife held a joint legislative hearing on Great Water Bodies bills (i.e., Lake Tahoe, Puget Sound, Long Island Sound, Columbia River Basin, and the Great Lakes), including the previous version of S. 432. In addition to Senators Reid, Feinstein, and former-Senator Ensign, the Committee also heard testimony from the EPA Assistant Administrator for Water, the USDA Under Secretary for Natural Resources and Environment and the Executive Director of the California Tahoe Conservancy—all of whom expressed support for the bill.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 432 on December 8, 2011. The bill was ordered to be reported favorably with an amendment by voice vote with Sen. Inhofe recorded as “No”.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 432 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee noted that the Congressional Budget Office (CBO) has found, “S. 432 would impose an intergovernmental and private-sector mandate as defined in UMRA.” However, CBO also estimates, “. . . that the cost to comply with the mandate would be minimal and would fall significantly below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$73 million and \$146 million in 2012, respectively, adjusted annually for inflation).”

JANUARY 5, 2012.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 432, the Lake Tahoe Restoration Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 432—Lake Tahoe Restoration Act of 2011

Summary: S. 432 would authorize appropriations to restore the ecological health of the Lake Tahoe Basin in California and Nevada. The authorized funds would be available to the Forest Service, the U.S. Fish and Wildlife Service (USFWS), and other federal agencies for projects that reduce the risk of fire, provide assistance to state and local governments for water management, and protect against invasive species.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 432 would cost \$234 million over the 2012–2017 period and \$231 million after 2017. Enacting the legislation could increase offsetting receipts (from inspection fees) and associated direct spending as well as revenues (from civil penalties); therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effects of new offsetting receipts, spending, and revenues would be negligible in any year.

S. 432 would impose an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) on owners and operators of watercraft used in the Lake Tahoe Basin. CBO estimates that the cost of the mandate would fall significantly below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$73 million and \$146 million in 2012, respectively, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 432 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—						2012– 2017
	2012	2013	2014	2015	2016	2017	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION							
Forest Service Programs:							
Estimated Authorization Level	0	14	14	14	14	14	68
Estimated Outlays	0	10	14	14	14	14	64
Environmental Protection Agency Programs:							
Estimated Authorization Level	0	10	10	10	10	10	51
Estimated Outlays	0	7	9	10	10	10	45
U.S. Fish and Wildlife Service Programs:							
Estimated Authorization Level	0	4	4	4	4	4	20
Estimated Outlays	0	3	4	4	4	4	19
Tahoe Federal Interagency Partnership Projects:							
Estimated Authorization Level	0	14	14	14	14	14	68
Estimated Outlays	0	10	14	14	14	14	64
U.S. Army Corps of Engineers Programs:							
Estimated Authorization Level	10	10	10	10	10	0	50
Estimated Outlays	3	6	8	9	10	7	42
Total Changes:							
Estimated Authorization Level	10	51	51	51	51	41	257
Estimated Outlays	3	34	47	50	51	48	234

Note: Amounts may not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted early in 2012 and that the authorized amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for ongoing and similar activities.

Spending subject to appropriation

Section 9 would authorize the appropriation of \$415 million over the 10-year period beginning in 2013 for several federal agencies to perform ecological restoration activities in the Lake Tahoe Basin. CBO assumes that those amounts would be appropriated evenly over the 10-year period.

Of the amounts authorized under section 9, \$136 million would be available to the Forest Service for projects to reduce the risk of fire in the Lake Tahoe Basin. An additional \$102 million would be authorized for the Environmental Protection Agency to make grants to state and local governments for certain water management projects and to establish an environmental research program. Finally, an authorization of \$41 million would support USFWS activities to protect against invasive species and to restore native species to the Lake Tahoe Basin. Remaining funds, authorized by section 9 and not allocated for the above purposes (\$136 million), would be available to carry out restoration projects identified by the Tahoe Federal Interagency Partnership (a collaborative group of five federal agencies with management or jurisdictional authorities in the Lake Tahoe region). Assuming appropriation of the authorized amounts, CBO estimates that implementing those provisions would cost \$192 million over the 2013–2017 period and \$223 million after 2017.

Section 10 would authorize the appropriation of \$50 million for the U.S. Army Corps of Engineers to assist nonfederal entities that construct water-related infrastructure in the Lake Tahoe Basin. Under current law, the agency is authorized to receive a total of \$25 million in appropriations for those purposes, of which about \$16 million has already been provided. Under the bill, we estimate that the agency would be authorized to receive additional appropriations of \$10 million annually over the 2012–2016 period. CBO estimates that implementing this provision would cost \$42 million over the 2012–2017 period and \$8 million after 2017.

Direct spending and revenues

S. 432 would require the USFWS to ensure that watercraft are decontaminated prior to launching in waters of the Lake Tahoe Basin so that organisms from other bodies of water do not contaminate the basin. The bill would authorize the agency to establish inspection and decontamination stations within the basin and to certify nonfederal entities to operate similar facilities. The bill also would allow any entity performing those activities to collect and spend fees to cover the cost of operating those facilities. CBO estimates that the collection and expenditure of such fees would have no significant net impact on federal direct spending in any year.

The bill also would establish civil penalties for individuals who launch watercraft in the Lake Tahoe Basin that have not been inspected and decontaminated in accordance with standards established by the USFWS. Any penalties collected would be recorded as revenues in the budget and deposited into the general fund of the U.S. Treasury. Based on information obtained from the USFWS, CBO estimates that annual revenues from those civil penalties would not be significant.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. S. 432 could increase offsetting receipts (from inspection fees) and associated direct spending. The bill also could increase revenues (from civil penalties); therefore, pay-as-you-go procedures apply. However, CBO estimates that any increase in offsetting receipts would be offset by similar increases in direct spending and any new revenues from penalties would be minimal.

Intergovernmental and private-sector impact: S. 432 would impose an intergovernmental and private-sector mandate as defined in UMRA. The bill would require owners and operators of watercraft to submit their watercraft for inspection and decontamination of invasive species prior to launch in waters of the Lake Tahoe Basin. The bill also would require that owners and operators of watercraft maintain documentation of inspections while in the basin and pay any fees associated with decontamination. Because the regional agency for the Lake Tahoe Basin currently subjects watercraft to inspection requirements and fees, most owners and operators would already be in compliance with the bill's requirements. Therefore, CBO estimates that the cost to comply with the mandate would be minimal and would fall significantly below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$73 million and \$146 million in 2012, respectively, adjusted annually for inflation).

Estimate prepared by: Federal costs: Jeff LaFave; Impact on state, local, and tribal governments: Ryan Miller; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * *

PUBLIC LAW 106-506

* * * * *

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—Congress finds that—

[(1) Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is recognized nationally and worldwide as a natural resource of special significance;

[(2) in addition to being a scenic and ecological treasure, Lake Tahoe is one of the outstanding recreational resources of the United States, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, and the United States;

[(3) the economy in the Lake Tahoe basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

[(4) Lake Tahoe is in the midst of an environmental crisis; the Lake's water clarity has declined from a visibility level of 105 feet in 1967 to only 70 feet in 1999, and scientific estimates indicate that if the water quality at the Lake continues to degrade, Lake Tahoe will lose its famous clarity in only 30 years;

[(5) sediment and algae-nourishing phosphorous and nitrogen continue to flow into the Lake from a variety of sources, including land erosion, fertilizers, air pollution, urban runoff, highway drainage, streamside erosion, land disturbance, and ground water flow;

[(6) methyl tertiary butyl ether—

[(A) has contaminated and closed more than one-third of the wells in South Tahoe; and

[(B) is advancing on the Lake at a rate of approximately 9 feet per day;

[(7) destruction of wetlands, wet meadows, and stream zone habitat has compromised the Lake's ability to cleanse itself of pollutants;

[(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity of

combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

[(9) as the largest land manager in the Lake Tahoe basin, with 77 percent of the land, the Federal Government has a unique responsibility for restoring environmental health to Lake Tahoe;

[(10) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

[(A) congressional consent to the establishment of the Tahoe Regional Planning Agency in 1969 (Public Law 91-148; 83 Stat. 360) and in 1980 (Public Law 96-551; 94 Stat. 3233);

[(B) the establishment of the Lake Tahoe Basin Management Unit in 1973; and

[(C) the enactment of Public Law 96-586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants;

[(11) the President renewed the Federal Government's commitment to Lake Tahoe in 1997 at the Lake Tahoe Presidential Forum, when he committed to increased Federal resources for environmental restoration at Lake Tahoe and established the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe basin;

[(12) the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including—

[(A) expenditures—

[(i) exceeding \$200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and

[(ii) exceeding \$30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and

[(B) the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by the State.

[(13) significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.

[(b) PURPOSES.—The purposes of this Act are—

[(1) to enable the Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;

[(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin Management Unit; and

[(3) to provide funding to local governments for erosion and sediment control projects on non-Federal land if the projects benefit the Federal land.]

SEC. 2. FINDINGS AND PURPOSES.

(a) *FINDINGS.*—Congress finds that—

- (1) *Lake Tahoe—*
 - (A) *is 1 of the largest, deepest, and clearest lakes in the world;*
 - (B) *has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and*
 - (C) *is recognized nationally and worldwide as a natural resource of special significance;*
- (2) *in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is 1 of the outstanding recreational resources of the United States, which—*
 - (A) *offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and*
 - (B) *contributes significantly to the economies of California, Nevada, and the United States;*
- (3) *the economy in the Lake Tahoe Basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;*
- (4) *the Lake Tahoe Basin continues to be threatened by the impacts of land use and transportation patterns developed in the last century that damage the fragile watershed of the Basin;*
- (5) *the water clarity of Lake Tahoe declined from a visibility level of 105 feet in 1967 to only 70 feet in 2008;*
- (6) *the rate of decline in water clarity of Lake Tahoe has decreased in recent years;*
- (7) *a stable water clarity level for Lake Tahoe could be achieved through feasible control measures for very fine sediment particles and nutrients;*
- (8) *fine sediments that cloud Lake Tahoe, and key nutrients such as phosphorus and nitrogen that support the growth of algae and invasive plants, continue to flow into the lake from stormwater runoff from developed areas, roads, turf, other disturbed land, and streams;*
- (9) *the destruction and alteration of wetland, wet meadows, and stream zone habitat have compromised the natural capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;*
- (10) *approximately 25 percent of the trees in the Lake Tahoe Basin are either dead or dying;*
- (11) *forests in the Tahoe Basin suffer from over a century of fire suppression and periodic drought, which have resulted in—*
 - (A) *high tree density and mortality;*
 - (B) *the loss of biological diversity; and*
 - (C) *a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;*
- (12) *the establishment of several aquatic and terrestrial invasive species (including bass, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;*
- (13) *there is an ongoing threat to the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as the zebra mussel, New Zealand mud snail, and quagga mussel);*
- (14) *the report prepared by the University of California, Davis, entitled the ‘State of the Lake Report’, found that conditions in the Lake Tahoe Basin had changed, including—*

- (A) *the average surface water temperature of Lake Tahoe has risen by more than 1.5 degrees Fahrenheit in the past 37 years; and*
- (B) *since 1910, the percent of precipitation that has fallen as snow in the Lake Tahoe Basin decreased from 52 percent to 34 percent;*
- (15) *75 percent of the land in the Lake Tahoe Basin is owned by the Federal Government, which makes it a Federal responsibility to restore environmental health to the Basin;*
- (16) *the Federal Government has a long history of environmental preservation at Lake Tahoe, including—*
 - (A) *congressional consent to the establishment of the Tahoe Regional Planning Agency with—*
 - (i) *the enactment in 1969 of Public Law 91–148 (83 Stat. 360); and*
 - (ii) *the enactment in 1980 of Public Law 96–551 (94 Stat. 3233);*
 - (B) *the establishment of the Lake Tahoe Basin Management Unit in 1973;*
 - (C) *the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;*
 - (D) *the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to provide payments for the environmental restoration projects under this Act; and*
 - (E) *the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;*
- (17) *the Assistant Secretary of the Army for Civil Works was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;*
- (18) *the Chief of Engineers, under direction from the Assistant Secretary of the Army for Civil Works, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—*
 - (A) *stream and wetland restoration;*
 - (B) *urban stormwater conveyance and treatment; and*
 - (C) *programmatic technical assistance;*
- (19) *at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by—*
 - (A) *committing to increased Federal resources for environmental restoration at Lake Tahoe; and*

- (B) *establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;*
 - (20) *at the 2008 and 2009 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Ensign, and Governor Gibbons—*
 - (A) *renewed their commitment to Lake Tahoe; and*
 - (B) *expressed their desire to fund the Federal share of the Environmental Improvement Program through 2018;*
 - (21) *since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than \$1,430,000,000 to the Lake Tahoe Basin, including—*
 - (A) *\$424,000,000 from the Federal Government;*
 - (B) *\$612,000,000 from the State of California;*
 - (C) *\$87,000,000 from the State of Nevada;*
 - (D) *\$59,000,000 from units of local government; and*
 - (E) *\$249,000,000 from private interests;*
 - (22) *significant additional investment from Federal, State, local, and private sources is necessary—*
 - (A) *to restore and sustain the environmental health of the Lake Tahoe Basin;*
 - (B) *to adapt to the impacts of changing climatic conditions water temperature and precipitation; and*
 - (C) *to protect the Lake Tahoe Basin from the introduction and establishment of invasive species; and*
 - (23) *the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least \$10,000,000 and up to \$20,000,000 annually for the Fire Risk Reduction and Forest Management Program.*
- (b) *PURPOSES.—The purposes of this Act are—*
- (1) *to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator of the Environmental Protection Agency, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities to address in the Lake Tahoe Basin the issues described in paragraphs (4) through (14) of subsection (a);*
 - (2) *to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin and to coordinate on other activities in a manner that supports achievement and maintenance of—*
 - (A) *the environmental threshold carrying capacities for the region; and*
 - (B) *other applicable environmental standards and objectives;*
 - (3) *to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and*
 - (4) *to ensure that agency and science community representatives in the Lake Tahoe Basin work together—*
 - (A) *to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and*

(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to public and private land use and resource management in the Basin.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term environmental threshold carrying capacity has the meaning given the term in article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96–551 (94 Stat. 3235).

[(2) FIRE RISK REDUCTION ACTIVITY.—

[(A) IN GENERAL.—The term “fire risk reduction activity” means an activity that is necessary to reduce the risk of wildfire to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.

[(B) INCLUDED ACTIVITIES.—The term “fire risk reduction activity” includes—

[(i) prescribed burning;

[(ii) mechanical treatment;

[(iii) road obliteration or reconstruction; and

[(iv) such other activities consistent with Forest Service practices as the Secretary determines to be appropriate.

[(3) PLANNING AGENCY.—The term “Planning Agency” means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

[(4) PRIORITY LIST.—The term “priority list” means the environmental restoration priority list developed under section 6.

[(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.]

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of the Army for Civil Works.

(3) CHAIR.—The term ‘Chair’ means the Chair of the Federal Partnership.

(4) COMPACT.—The term ‘Compact’ means the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233).

(5) DIRECTOR.—The term ‘Director’ means the Director of the United States Fish and Wildlife Service.

(6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—The term ‘Environmental Improvement Program’ means—

(A) the Environmental Improvement Program adopted by the Planning Agency; and

(B) any amendments to the Program.

(7) *ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.*—The term ‘environmental threshold carrying capacity’ has the meaning given the term in article II of the compact.

(8) *FEDERAL PARTNERSHIP.*—The term ‘Federal Partnership’ means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13957 (62 Fed. Reg. 41249) (or a successor Executive order).

(9) *FOREST MANAGEMENT ACTIVITY.*—The term ‘forest management activity’ includes—

(A) prescribed burning for ecosystem health and hazardous fuels reduction;

(B) mechanical and minimum tool treatment;

(C) road decommissioning or reconstruction;

(D) stream environment zone restoration and other watershed and wildlife habitat enhancements;

(E) nonnative invasive species management; and

(F) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

(10) *NATIONAL WILDLAND FIRE CODE.*—The term ‘national wildland fire code’ means—

(A) the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;

(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

(11) *PLANNING AGENCY.*—The term ‘Planning Agency’ means the Tahoe Regional Planning Agency established under Public Law 91-148 (83 Stat. 360) and Public Law 96-551 (94 Stat. 3233).

(12) *PRIORITY LIST.*—The term ‘Priority List’ means the environmental restoration priority list developed under section 8.

(13) *SECRETARY.*—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(14) *TOTAL MAXIMUM DAILY LOAD.*—The term ‘total maximum daily load’ means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

(15) *STREAM ENVIRONMENT ZONE.*—The term ‘Stream Environment Zone’ means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.

(16) *WATERCRAFT.*—The term ‘watercraft’ means motorized and non-motorized watercraft, including boats, personal watercraft, kayaks, and canoes.

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

(a) *IN GENERAL.*—The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) *RELATIONSHIP TO OTHER AUTHORITY.*—

(1) PRIVATE OR NON-FEDERAL LAND.—Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

(2) PLANNING AGENCY.—Nothing in this Act affects or increases the authority of the Planning Agency.

(3) ACQUISITION UNDER OTHER LAW.—Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe [basin] Basin under any other law.

(c) TRANSIT.—

(1) IN GENERAL.—*The Lake Tahoe Basin Management Unit shall, consistent with the regional transportation plan adopted by the Planning Agency, manage vehicular parking and traffic in the Lake Tahoe Basin Management Unit, with priority given—*

(A) *to improving public access to the Lake Tahoe Basin, including the prioritization of alternatives to the private automobile, consistent with the requirements of the Compact;*

(B) *to coordinating with the Nevada Department of Transportation, Caltrans, State parks, and other entities along Nevada Highway 28 and California Highway 89; and*

(C) *to providing support and assistance to local public transit systems in the management and operations of activities under this subsection.*

(2) NATIONAL FOREST TRANSIT PROGRAM.—*Consistent with the support and assistance provided under paragraph (1)(C), the Secretary, in consultation with the Secretary of Transportation, may enter into a contract, cooperative agreement, inter-agency agreement, or other agreement with the Department of Transportation to secure operating and capital funds from the National Forest Transit Program.*

(d) FOREST MANAGEMENT ACTIVITIES.—

(1) COORDINATION.—

(A) IN GENERAL.—*In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.*

(B) GOALS.—*The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.*

(2) MULTIPLE BENEFITS.—

(A) IN GENERAL.—*In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—*

(i) *except as provided in subparagraph (B), attains multiple ecosystem benefits, including—*

(I) *reducing forest fuels;*

(II) *maintaining or restoring biological diversity;*

(III) *improving wetland and water quality, including in Stream Environment Zones; and*

(IV) increasing resilience to changing climatic conditions water temperature and precipitation; and

(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

(B) *EXCEPTION.*—Notwithstanding clause (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a project in relation to the additional ecosystem benefits gained from the management activity.

(3) *GROUND DISTURBANCE.*—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

(A) establish post-project ground condition criteria for ground disturbance caused by forest management activities; and

(B) provide for monitoring to ascertain the attainment of the post-project conditions.

(e) *WITHDRAWAL OF FEDERAL LAND.*—

(1) *IN GENERAL.*—Subject to valid existing rights and paragraphs (2) and (3), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

(2) *DETERMINATION.*—

(A) *IN GENERAL.*—The withdrawal under paragraph (1) shall be in effect until the date on which the Secretary, after conducting a review of all Federal land in the Lake Tahoe Basin Management Unit and receiving public input, has made a determination on which parcels of Federal land should remain withdrawn.

(B) *REQUIREMENTS.*—The determination of the Secretary under subparagraph (A)—

(i) shall be effective beginning on the date on which the determination is issued;

(ii) may be altered by the Secretary as the Secretary determines to be necessary; and

(iii) shall not be subject to administrative renewal.

(3) *EXCEPTIONS.*—A land exchange shall be exempt from withdrawal under this subsection if carried out under—

(A) the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351); or

(B) the Santini-Burton Act (Public Law 96–586; 94 Stat. 3381).

(f) *ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.*—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

(g) *COOPERATIVE AUTHORITIES.*—

(1) *IN GENERAL.*—During the 4 fiscal years following the date of enactment of the Lake Tahoe Restoration Act of 2011, the Secretary, in conjunction with land adjustment projects or programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the projects or programs.

(2) *REPORT ON LAND STATUS.*—

(A) *IN GENERAL.*—Not later than 2 years after the date of enactment of the Lake Tahoe Restoration Act of 2011, the Secretary shall submit to Congress a report regarding the management of land in the Lake Tahoe Basin Management Unit Urban Lots Program, including—

- (i) a description of future plans and recent actions for land consolidation and adjustment; and
- (ii) the identification of any obstacles to desired conveyances or interchanges.

(B) *INCLUSIONS.*—The report submitted under subparagraph (A) may contain recommendations for additional legislative authority.

(C) *EFFECT.*—Nothing in this paragraph delays the conveyance of parcels under—

- (i) the authority of this Act; or
- (ii) any other authority available to the Secretary.

(3) *SUPPLEMENTAL AUTHORITY.*—The authority of this subsection is supplemental to all other cooperative authorities of the Secretary.

[SEC. 5. CONSULTATION WITH PLANNING AGENCY AND OTHER ENTITIES.

[(a) *IN GENERAL.*—With respect to the duties described in subsection (b), the Secretary shall consult with and seek the advice and recommendations of—

- [(1) the Planning Agency;
- [(2) the Tahoe Federal Interagency Partnership established by Executive Order No. 13057 (62 Fed. Reg. 41249) or a successor Executive order;
- [(3) the Lake Tahoe Basin Federal Advisory Committee established by the Secretary on December 15, 1998 (64 Fed. Reg. 2876) (until the committee is terminated);
- [(4) Federal representatives and all political subdivisions of the Lake Tahoe Basin Management Unit; and
- [(5) the Lake Tahoe Transportation and Water Quality Coalition.

[(b) *DUTIES.*—The Secretary shall consult with and seek advice and recommendations from the entities described in subsection (a) with respect to—

- [(1) the administration of the Lake Tahoe Basin Management Unit;
- [(2) the development of the priority list;
- [(3) the promotion of consistent policies and strategies to address the Lake Tahoe basin's environmental and recreational concerns;

[(4) the coordination of the various programs, projects, and activities relating to the environment and recreation in the Lake Tahoe basin to avoid unnecessary duplication and inefficiencies of Federal, State, local, tribal, and private efforts; and

[(5) the coordination of scientific resources and data, for the purpose of obtaining the best available science as a basis for decisionmaking on an ongoing basis.]

SEC. 5. CONSULTATION.

In carrying out this Act, the Secretary, the Administrator, and the Director shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.

[SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.

[(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop a priority list of potential or proposed environmental restoration projects for the Lake Tahoe Basin Management Unit.

[(b) DEVELOPMENT OF PRIORITY LIST.—In developing the priority list, the Secretary shall—

[(1) use the best available science, including any relevant findings and recommendations of the watershed assessment conducted by the Forest Service in the Lake Tahoe basin; and

[(2) include, in order of priority, potential or proposed environmental restoration projects in the Lake Tahoe basin that—

[(A) are included in or are consistent with the environmental improvement program adopted by the Planning Agency in February 1998 and amendments to the program;

[(B) would help to achieve and maintain the environmental threshold carrying capacities for—

[(i) air quality;

[(ii) fisheries;

[(iii) noise;

[(iv) recreation;

[(v) scenic resources;

[(vi) soil conservation;

[(vii) forest health;

[(viii) water quality; and

[(ix) wildlife.

[(c) FOCUS IN DETERMINING ORDER OF PRIORITY.—In determining the order of priority of potential and proposed environmental restoration projects under subsection (b)(2), the focus shall address projects (listed in no particular order) involving—

[(1) erosion and sediment control, including the activities described in section 2(g) of Public Law 96–586 (94 Stat. 3381) (as amended by section 7 of this Act);

[(2) the acquisition of environmentally sensitive land from willing sellers—

[(A) using funds appropriated from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5); or

[(B) under the authority of Public Law 96–586 (94 Stat. 3381);

[(3) fire risk reduction activities in urban areas and urban-wildland interface areas, including high recreational use areas and urban lots acquired from willing sellers under the authority of Public Law 96–586 (94 Stat. 3381);

[(4) cleaning up methyl tertiary butyl ether contamination; and

[(5) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially—

[(A) improvement of public access to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;

[(B) the Highway 28 and 89 corridors and parking problems in the area; and

[(C) cooperation with local public transportation systems, including—

[(i) the Coordinated Transit System; and

[(ii) public transit systems on the north shore of Lake Tahoe.

[(d) MONITORING.—The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.

[(e) CONSISTENCY WITH MEMORANDUM OF UNDERSTANDING.—A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amendments to the memorandum as long as the memorandum remains in effect.

[(f) REVIEW OF PRIORITY LIST.—Periodically, but not less often than every 3 years, the Secretary shall—

[(1) review the priority list;

[(2) consult with—

[(A) the Tahoe Regional Planning Agency;

[(B) interested political subdivisions; and

[(C) the Lake Tahoe Water Quality and Transportation Coalition;

[(3) make any necessary changes with respect to—

[(A) the findings of scientific research and monitoring in the Lake Tahoe basin;

[(B) any change in an environmental threshold as determined by the Planning Agency; and

[(C) any change in general environmental conditions in the Lake Tahoe basin; and

[(4) submit to Congress a report on any changes made.

[(g) CLEANUP OF HYDROCARBON CONTAMINATION.—

[(1) IN GENERAL.—

[The Secretary shall, subject to the availability of appropriations, make a payment of \$1,000,000 to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop and publish a plan, not later than 1 year after the date of the enactment of this Act, for the prevention and cleanup of hydrocarbon contamination (including contamination with MTBE) of the surface water and ground water of the Lake Tahoe basin.

[(2) CONSULTATION.—In developing the plan, the Tahoe Regional Planning Agency and the South Tahoe Public Utility

District shall consult with the States of California and Nevada and appropriate political subdivisions.

[(3) WILLING SELLERS.—The plan shall not include any acquisition of land or an interest in land except an acquisition from a willing seller.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for the implementation of projects on the priority list and the payment identified in subsection (g), \$20,000,000 for the first fiscal year that begins after the date of the enactment of this Act and for each of the 9 fiscal years thereafter.]

SEC. 6. AUTHORIZED PROJECTS.

(a) *IN GENERAL.*—*The Secretary, the Director, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out or provide financial assistance to any project or program described in subsection (c) or included in the Priority List under section 8 to further the purposes of the Environmental Improvement Program if the project has been subject to environmental review and approval, respectively, as required under Federal law, article 7 of the Compact, and State law, as applicable. The Administrator shall use no more than 3 percent of the funds provided for administering the projects or programs described in subsection (c) (1) and (2).*

(b) *MONITORING AND ASSESSMENT.*—*All projects authorized under subsection (c) and section 8 shall—*

(1) include funds for monitoring and assessment of the results and effectiveness at the project and program level consistent with the program developed under section 11; and

(2) use the integrated multiagency performance measures established under that section.

(c) *DESCRIPTION OF ACTIVITIES.*—

(1) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION.—Of the amounts made available under section 18(a), \$40,000,000 shall be made available for grants by the Administrator for the Federal share of the following projects:

(A) Bijou Stormwater Improvement Project in the City of South Lake Tahoe, California.

(B) Christmas Valley Stormwater Improvement Project in El Dorado County, California.

(C) Kings Beach Watershed Improvement Project in Placer County, California.

(D) Lake Forest Stormwater and Watershed Improvement Project in Placer County, California.

(E) Crystal Bay Stormwater Improvement Project in Washoe County, Nevada.

(F) Washoe County Stormwater Improvement Projects 4, 5, and 6 in Washoe County, Nevada.

(G) Upper and Lower Kingsbury Project in Douglas County, Nevada.

(H) Lake Village Drive-Phase II Stormwater Improvement in Douglas County, Nevada.

(I) State Route 28 Spooner to Sand Harbor Stormwater Improvement, Washoe County, Nevada.

(J) State Route 431 Stormwater Improvement, Washoe County, Nevada.

(2) *STREAM ENVIRONMENT ZONE AND WATERSHED RESTORATION.*—Of the amounts made available under section 18(a), \$32,000,000 shall be made available for grants by the Administrator for the Federal share of the following projects:

- (A) Upper Truckee River and Marsh Restoration Project.
- (B) Upper Truckee River Mosher, Reaches 1 & 2.
- (C) Upper Truckee River Sunset Stables.
- (D) Lower Blackwood Creek Restoration Project.
- (E) Ward Creek.
- (F) Third Creek / Incline Creek Watershed Restoration.
- (G) Rosewood Creek Restoration Project.

(3) *FIRE RISK REDUCTION AND FOREST MANAGEMENT.*—

(A) *IN GENERAL.*—Of the amounts made available under section 18(a), \$136,000,000 shall be made available for assistance by the Secretary for the following projects:

(i) Projects identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wild-fire Prevention Strategy 10-Year Plan.

(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

(iii) Biomass projects, including feasibility assessments and transportation of materials.

(iv) Angora Fire Restoration projects under the jurisdiction of the Secretary.

(v) Washoe Tribe projects on tribal lands within the Lake Tahoe Basin.

(B) *MULTIPLE BENEFIT FUELS PROJECTS.*—Consistent with the requirements of section 4(d)(2), not more than \$10,000,000 of the amounts made available to carry out subparagraph (A) shall be available to the Secretary for the planning and implementation of multiple benefit fuels projects with an emphasis on restoration projects in Stream Environment Zones.

(C) *MINIMUM ALLOCATION.*—Of the amounts made available to carry out subparagraph (A), at least \$80,000,000 shall be made available to the Secretary for projects under subparagraph (A)(i).

(D) *PRIORITY.*—Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

(E) *COST-SHARING REQUIREMENTS.*—

(i) *IN GENERAL.*—As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25 percent match.

(ii) *FORM OF NON-FEDERAL SHARE.*—

(I) *IN GENERAL.*—The non-Federal share required under clause (i) may be in the form of cash contributions or in-kind contributions, including providing labor, equipment, supplies, space, and other operational needs.

(II) *CREDIT FOR CERTAIN DEDICATED FUNDING.*—There shall be credited toward the non-Federal share required under clause (i) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.

(III) *DOCUMENTATION.*—Communities and local fire districts shall—

(aa) maintain a record of in-kind contributions that describes—

(AA) the monetary value of the in-kind contributions; and

(BB) the manner in which the in-kind contributions assist in accomplishing project goals and objectives; and

(bb) document in all requests for Federal funding, and include in the total project budget, evidence of the commitment to provide the non-Federal share through in-kind contributions.

(4) *INVASIVE SPECIES MANAGEMENT.*—Of the amounts to be made available under section 18(a), \$20,500,000 shall be made available to the Director for the Aquatic Invasive Species Program and the watercraft inspections described in section 9.

(5) *SPECIAL STATUS SPECIES MANAGEMENT.*—Of the amounts to be made available under section 18(a), \$20,000,000 shall be made available to the Director for the Lahontan Cutthroat Trout Recovery Program.

(6) *LAKE TAHOE BASIN PROGRAM.*—Of the amounts to be made available under section 18(a), \$30,000,000 shall be used to develop and implement the Lake Tahoe Basin Program developed under section 11.

(d) *USE OF REMAINING FUNDS.*—Any amounts made available under section 18(a) that remain available after projects described in subsection (c) have been funded shall be made available for projects included in the Priority List under section 8.

SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.

* * * * *

SEC. 8. ENVIRONMENTAL RESTORATION PRIORITY LIST.

(a) *FUNDING.*—Subject to section 6(d), of the amounts to be made available under section 18(a), at least \$136,000,000 shall be made available for projects identified on the Priority List.

(b) *DEADLINE.*—Not later than February 15 of the year after the date of enactment of the Lake Tahoe Restoration Act of 2011, the Chair, in consultation with the Secretary, the Administrator, the Director, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium shall submit to Congress a prioritized list of all Environmental Improvement Program projects for the Lake Tahoe Basin, regardless of program category.

(c) *CRITERIA.*—

(1) *IN GENERAL.*—The priority of projects included in the Priority List shall be based on the best available science and the following criteria:

(A) The 5-year threshold carrying capacity evaluation.

(B) The ability to measure progress or success of the project.

(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in the Compact for—

(i) air quality;

(ii) fisheries;

(iii) noise;

(iv) recreation;

(v) scenic resources;

(vi) soil conservation;

(vii) forest health;

(viii) water quality; and

(ix) wildlife.

(D) The ability of a project to provide multiple benefits.

(E) The ability of a project to leverage non-Federal contributions.

(F) Stakeholder support for the project.

(G) The justification of Federal interest.

(H) Agency priority.

(I) Agency capacity.

(J) Cost-effectiveness.

(K) Federal funding history.

(2) *SECONDARY FACTORS.*—In addition to the criteria under paragraph (1), the Chair shall, as the Chair determines to be appropriate, give preference to projects in the Priority List that benefit existing neighborhoods in the Basin that are at or below regional median income levels, based on the most recent census data available.

(3) *EROSION CONTROL PROJECTS.*—For purposes of the Priority List and section 6(c)(1), erosion control projects shall be considered part of the stormwater management and total maximum daily load program of the Environmental Improvement Program. The Administrator shall coordinate with the Secretary on such projects.

(d) *REVISIONS.*—

(1) *IN GENERAL.*—The Priority List submitted under subsection (b) shall be revised—

(A) every 4 years; or

(B) on a finding of compelling need under paragraph (2).

(2) *FINDING OF COMPELLING NEED.*—

(A) *IN GENERAL.*—If the Secretary, the Administrator, or the Director makes a finding of compelling need justifying a priority shift and the finding is approved by the Secretary, the Executive Director of the Planning Agency, the California Natural Resources Secretary, and the Director of the Nevada Department of Conservation, the Priority List shall be revised in accordance with this subsection.

(B) *INCLUSIONS.*—A finding of compelling need includes—

(i) major scientific findings;

- (ii) results from the threshold evaluation of the Planning Agency;
- (iii) emerging environmental threats; and
- (iv) rare opportunities for land acquisition.

SEC. 9. AQUATIC INVASIVE SPECIES PREVENTION.

(a) *IN GENERAL.*—Not later than 60 days after the date of enactment of the Lake Tahoe Restoration Act of 2011, the Director, in coordination with the Planning Agency, the California Department of Fish and Game, and the Nevada Department of Wildlife, shall deploy strategies that meet or exceed the criteria described in subsection (b) for preventing the introduction of aquatic invasive species into the Lake Tahoe Basin.

(b) *CRITERIA.*—The strategies referred to in subsection (a) shall provide that—

(1) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe Basin;

(2) watercraft not be allowed to launch in waters of the Lake Tahoe Basin if the watercraft—

(A) has been in waters infested by quagga or zebra mussels;

(B) shows evidence of invasive species that the Director has determined would be detrimental to the Lake Tahoe ecosystem; and

(C) cannot be reliably decontaminated in accordance with paragraph (3);

(3) subject to paragraph (4), all watercraft surfaces and appurtenance (such as anchors and fenders) that contact with water shall be reliably decontaminated, based on standards developed by the Director using the best available science;

(4) watercraft bearing positive verification of having last launched within the Lake Tahoe Basin may be exempted from decontamination under paragraph (3); and

(5) while in the Lake Tahoe Basin, all watercraft maintain documentation of compliance with the strategies deployed under this section.

(c) *CERTIFICATION.*—The Director may certify State agencies to perform the decontamination activities described in subsection (b)(3) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this section.

(d) *APPLICABILITY.*—The strategies and criteria developed under this section shall apply to all watercraft to be launched on water within the Lake Tahoe Basin.

(e) *FEES.*—The Director may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this section.

(f) *CIVIL PENALTIES.*—

(1) *IN GENERAL.*—Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this section shall be liable for a civil penalty in an amount not to exceed \$1,000 per violation.

(2) *OTHER AUTHORITIES.*—Any penalties assessed under this subsection shall be separate from penalties assessed under any other authority.

(g) *LIMITATION.*—The strategies and criteria under subsections (a) and (b), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria.

(h) *FUNDING.*—Of the amounts made available under section 6(c)(4), not more than \$500,000 shall be made available to the Director, in coordination with the Planning Agency and State governments—

(1) to evaluate the feasibility, cost, and potential effectiveness of further efforts that could be undertaken by the Federal Government, State and local governments, or private entities to guard against introduction of aquatic invasive species into Lake Tahoe, including the potential establishment of inspection and decontamination stations on major transitways entering the Lake Tahoe Basin; and

(2) to evaluate and identify options for ensuring that all waters connected to Lake Tahoe are protected from quagga and zebra mussels and other aquatic invasive species.

(i) *SUPPLEMENTAL AUTHORITY.*—The authority under this section is supplemental to all actions taken by non-Federal regulatory authorities.

(j) *SAVINGS CLAUSE.*—Nothing in this title shall be construed as restricting, affecting, or amending any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.

SEC. 10. ARMY CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.

(a) *IN GENERAL.*—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

(b) *LOCAL COOPERATION AGREEMENTS.*—

(1) *IN GENERAL.*—Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

(2) *COMPONENTS.*—The agreement entered into under paragraph (1) shall—

(A) describe the nature of the technical assistance;

(B) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

(C) include cost-sharing provisions in accordance with paragraph (3).

(3) *FEDERAL SHARE.*—

(A) *IN GENERAL.*—The Federal share of project costs under each local cooperation agreement under this subsection shall be 65 percent.

(B) *FORM.*—The Federal share may be in the form of reimbursements of project costs.

(C) *CREDIT.*—*The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this subsection.*

SEC. 11. LAKE TAHOE BASIN PROGRAM.

The Administrator, in cooperation with the Secretary, the Planning Agency, the States of California and Nevada, and the Tahoe Science Consortium, shall develop and implement the Lake Tahoe Basin Program that—

(1) develops and regularly updates an integrated multiagency programmatic assessment and monitoring plan—

(A) to evaluate the effectiveness of the Environmental Improvement Program;

(B) to evaluate the status and trends of indicators related to environmental threshold carrying capacities; and

(C) to assess the impacts and risks of changing climatic conditions water temperature and precipitation and invasive species;

(2) develops a comprehensive set of performance measures for Environmental Improvement Program assessment;

(3) coordinates the development of the annual report described in section 13;

(4) produces and synthesizes scientific information necessary for—

(A) the identification and refinement of environmental indicators for the Lake Tahoe Basin; and

(B) the evaluation of standards and benchmarks;

(5) conducts applied research, programmatic technical assessments, scientific data management, analysis, and reporting related to key management questions;

(6) develops new tools and information to support objective assessments of land use and resource conditions;

(7) provides scientific and technical support to the Federal Government and State and local governments in—

(A) reducing stormwater runoff, air deposition, and other pollutants that contribute to the loss of lake clarity; and

(B) the development and implementation of an integrated stormwater monitoring and assessment program;

(8) establishes and maintains independent peer review processes—

(A) to evaluate the Environmental Improvement Program; and

(B) to assess the technical adequacy and scientific consistency of central environmental documents, such as the 5-year threshold review; and

(9) provides scientific and technical support for the development of appropriate management strategies to accommodate changing climatic conditions water temperature and precipitation in the Lake Tahoe Basin.

SEC. 12. PUBLIC OUTREACH AND EDUCATION.

(a) IN GENERAL.—*The Secretary, Administrator, and Director will coordinate with the Planning Agency to conduct public education and outreach programs, including encouraging—*

- (1) owners of land and residences in the Lake Tahoe Basin—
 - (A) to implement defensible space; and
 - (B) to conduct best management practices for water quality; and
- (2) owners of land and residences in the Lake Tahoe Basin and visitors to the Lake Tahoe Basin, to help prevent the introduction and proliferation of invasive species as part of the private share investment in the Environmental Improvement Program.
- (b) **REQUIRED COORDINATION.**—Public outreach and education programs for aquatic invasive species under this section shall—
 - (1) be coordinated with Lake Tahoe Basin tourism and business organizations; and
 - (2) include provisions for the programs to extend outside of the Lake Tahoe Basin.

SEC. 13. REPORTING REQUIREMENTS.

Not later than February 15 of each year, the Administrator, in cooperation with the Chair, the Secretary, the Director, the Planning Agency, and the States of California and Nevada, consistent with section 6(c)(6) and section 11, shall submit to Congress a report that describes—

- (1) the status of all Federal, State, local, and private projects authorized under this Act, including to the maximum extent practicable, for projects that will receive Federal funds under this Act during the current or subsequent fiscal year—
 - (A) the project scope;
 - (B) the budget for the project; and
 - (C) the justification for the project, consistent with the criteria established in section 8(c)(1);
- (2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program and projects otherwise authorized under this Act;
- (3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and
- (4) public education and outreach efforts undertaken to implement programs and projects authorized under this Act.

SEC. 14. ANNUAL BUDGET PLAN.

As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, and the United States Fish and Wildlife Service), including—

- (1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;
- (2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.

SEC. 15. GRANT FOR WATERSHED STRATEGY.

(a) *IN GENERAL.*—Of the amounts to be made available under section 18(a), the Administrator shall use not more than \$500,000 to provide a grant, on a competitive basis, to States, federally recognized Indian tribes, interstate agencies, other public or nonprofit agencies and institutions, or institutions of higher education to develop a Lake Tahoe Basin watershed strategy in coordination with the Planning Agency, the States of California and Nevada, and the Secretary.

(b) *COMMENT.*—In developing the watershed strategy under subsection (a), the grant recipients shall provide an opportunity for public review and comment.

(c) *COMPONENTS.*—The watershed strategy developed under subsection (a) shall include—

(1) a classification system, inventory, and assessment of stream environment zones;

(2) comprehensive watershed characterization and restoration priorities consistent with—

(A) the Lake Tahoe total maximum daily load; and

(B) the environmental threshold carrying capacities of Lake Tahoe;

(3) a monitoring and assessment program consistent with section 11; and

(4) an adaptive management system—

(A) to measure and evaluate progress; and

(B) to adjust the program.

(d) *DEADLINE.*—The watershed strategy developed under subsection (a) shall be completed by the date that is 2 years after the date on which funds are made available to carry out this section.

【SEC. 8. FIRE RISK REDUCTION ACTIVITIES.

【(a) *IN GENERAL.*—In conducting fire risk reduction activities in the Lake Tahoe basin, the Secretary shall, as appropriate, coordinate with State and local agencies and organizations, including local fire departments and volunteer groups.

【(b) *GROUND DISTURBANCE.*—The Secretary shall, to the maximum extent practicable, minimize any ground disturbances caused by fire risk reduction activities.】

【SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.

【(a) *IN GENERAL.*—Funds authorized under this Act and the amendment made by this Act—

【(1) shall be in addition to any other amounts available to the Secretary for expenditure in the Lake Tahoe basin; and

【(2) shall not reduce allocations for other Regions of the Forest Service.

【(b) *MATCHING REQUIREMENT.*—Except as provided in subsection (c), funds for activities under section 6 and section 7 of this Act shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe basin by the States of California and Nevada.

【(c) *RELOCATION COSTS.*—The Secretary shall provide two-thirds of necessary funding to local utility districts for the costs of relo-

cating facilities in connection with environmental restoration projects under section 6 and erosion control projects under section 2 of Public Law 96–586.】

SEC. [10] 16. AMENDMENT OF PUBLIC LAW 96–586.

Section 3(a) of Public Law 96–586 (94 Stat. 3383) is amended by adding at the end the following:

(5) **WILLING SELLERS.**—Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section that is owned by a private person shall be acquired only from a willing seller.

SEC. [11] 17. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act exempts the Secretary, Director, or Administrator from the duty to comply with any applicable Federal law.

SEC. [12] 18. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.】

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

(a) **FUNDING.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—*There is authorized to be appropriated to carry out this Act \$415,000,000 for a period of 10 fiscal years beginning the first fiscal year after the date of enactment of the Lake Tahoe Restoration Act of 2011.*

(2) **USE OF FUNDS.**—*As of the date of enactment of the Lake Tahoe Restoration Act of 2011, of the funds authorized to be appropriated to be used to carry out sections 6 and 7, the Secretary may use such sums as are necessary to implement projects on the Priority List, to remain available until expended.*

(b) **EFFECT ON OTHER FUNDS.**—*Amounts authorized under this section and any amendments made by this Act—*

(1) *shall be in addition to any other amounts made available to the Secretary, Administrator, or Director for expenditure in the Lake Tahoe Basin; and*

(2) *shall not reduce allocations for other Regions of the Forest Service, Environmental Protection Agency, or United States Fish and Wildlife Service.*

(c) **COST-SHARING REQUIREMENT.**—*Except as provided in subsection (d) and section 6(c)(3)(E), the States of California and Nevada shall pay 50 percent of the aggregate costs of restoration activities in the Lake Tahoe Basin funded under section 6 or 8.*

(d) **RELOCATION COSTS.**—*Notwithstanding subsection (c), the Secretary shall provide to local utility districts two-thirds of the costs of relocating facilities in connection with—*

(1) *environmental restoration projects under sections 6 and 8; and*

(2) *erosion control projects under section 2 of Public Law 96–586 (94 Stat. 3381).*

(e) **SIGNAGE.**—*To the maximum extent practicable, a project provided assistance under this Act shall include appropriate signage at the project site that—*

(1) *provides information to the public on—*

(A) *the amount of Federal funds being provided to the project; and*

(B) *this Act; and*

(2) *displays the visual identity mark of the Environmental Improvement Program.*

PUBLIC LAW 98-586

* * * * *

SEC. 1.

(a) The Congress finds that—

(1) the Bureau of Land Management has extensive land ownership in small parcels interspersed with or adjacent to private lands in urban areas of Clark County, Nevada;

(2) * * *

* * * * *

SEC. 3.

(a)(1) The Secretary of Agriculture is authorized to acquire by donation, purchase with donated or appropriated funds, or otherwise, lands and interests in lands which were unimproved as of the date of enactment of this Act (except as provided in subsection (c)), and which are environmentally sensitive lands within the meaning of paragraph (2). The funds used for acquisition of such lands and interests in lands shall be the funds authorized to be appropriated pursuant to this Act, and no such funds may be expended until the final map has been filed in accordance with paragraph (2)(B). Such funds shall be in addition to any other amounts available to the Secretary of Agriculture for expenditure in the Lake Tahoe Basin.

(2)(A) * * *

* * * * *

[(b) Lands]

(b) *Administration of Acquired Land.*—

(1) IN GENERAL.—*Land* acquired under this section shall be administered as a part of the United States National Forest System; except that the Secretary of Agriculture, acting through the Chief of the Forest Service, may, in the case of lands which are unsuitable for Forest Service administration, transfer such lands or interests therein to an appropriate unit of State or local government with appropriate deed restrictions to protect the environmental quality and public recreational use of the lands concerned.

(2) INTERCHANGE.—

(A) IN GENERAL.—*Notwithstanding paragraph (1), the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this paragraph as the ‘Secretary’) may interchange (as defined in the first section of Public Law 97-465 (16 U.S.C. 521c)) any land or interest in land within the Lake Tahoe Basin Management Unit described in subparagraph (B) with appropriate units of State government.*

(B) ELIGIBLE LAND.—*The land or interest in land referred to in subparagraph (A) is land or an interest in land that the Secretary determines is not subject to efficient administration by the Secretary because of the location or size of the land.*

(C) *CONSIDERATION.*—In any interchange under this paragraph, the Secretary shall accept land within the Lake Tahoe Basin Management Unit of approximately equal value (as defined in accordance with section 6(2) of Public Law 97–465 (16 U.S.C. 521h)).

(D) *ENVIRONMENTAL ANALYSIS.*—For the purposes of any environmental analysis of an interchange under this paragraph, the Secretary shall—

(i) assume the maintenance of the environmental status quo; and

(ii) not be required to individually assess each parcel that is managed under the Lake Tahoe Basin Management Unit Urban Lots Program.

(E) *USE OF LAND ACQUIRED BY STATE GOVERNMENT.*—In any interchange under this paragraph, the Secretary shall—

(i) insert in the applicable deed such terms, covenants, conditions, and reservations as the Secretary determines to be necessary to ensure—

(I) protection of the public interest, including protection of the ecological, scenic, wildlife, and recreational values of the National Forest System; and

(II) the provision for appropriate access to, and use of, land within the National Forest System;

(III) that land subject to exchange is monitored for compliance with subclauses (I) and (II); and

(IV) if the land conveyed under this paragraph is used in a manner that is inconsistent with this section, the land shall, at the discretion of the Secretary, revert to the United States; or

(ii) reserve a conservation easement to ensure that the land conveyed is managed in accordance with subclauses (I) through (IV) of clause (i).

(F) *DELEGATION OF MONITORING AND ENFORCEMENT BY TRANSFER OF CONSERVATION EASEMENT.*—

(i) *DEFINITION OF ELIGIBLE ENTITY.*—In this subparagraph, the term ‘eligible entity’ means—

(I) a conservation agency of a local government or an Indian tribe;

(II) the Tahoe Regional Planning Agency; or

(III) an organization that—

(aa) is organized for, and at all times since the formation of the organization, has been operated principally for 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

(bb) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code;

(cc) is described in paragraph (1) or (2) of section 509(a) of that Code; or

(dd)(AA) is described in section 509(a)(3) of that Code; and

(BB) is controlled by an organization described in section 509(a)(2) of that Code.

(ii) *DELEGATION.*—Subject to clause (iii), the Secretary may delegate to an eligible entity any monitoring and enforcement duties relating to a conservation easement under this paragraph by transferring title of ownership to an easement to an eligible entity to hold and enforce.

(iii) *RESTRICTION.*—The Secretary may delegate monitoring or enforcement duties under clause (ii) if—

(I) the Secretary retains the right to conduct periodic inspections and enforce the easement;

(II) the Secretary determines that the transfer will promote protection of ecological, scenic, wildlife, and recreational values;

(III) the eligible entity assumes the costs incurred in administering and enforcing the easement;

(IV) the Secretary determines that the eligible entity has the resources necessary to carry out monitoring and enforcement activities; and

(V) all delegated monitoring and enforcement duties revert to the Secretary if the eligible entity cannot perform the delegated duties, at the discretion of the Secretary.

(G) *TRANSFER OF LAND ACQUIRED BY UNITS OF STATE GOVERNMENT.*—Any unit of State government that receives National Forest System land through an interchange under this paragraph shall not convey the land to any person or entity other than the Federal Government or a State government.

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PUBLIC LAW 108-447

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SEC. 108.—LAKE TAHOE BASIN RESTORATION, NEVADA AND CALIFORNIA.

(a) *DEFINITION.*—In this section, the term “Lake Tahoe Basin” means the entire watershed drainage of Lake Tahoe including that portion of the Truckee River 1,000 feet downstream from the United States Bureau of Reclamation dam in Tahoe City, California.

(b) *ESTABLISHMENT OF PROGRAM.*—* * *

* * * * *

(g) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2005, **[\$25,000,000]** \$75,000,000, to remain available until expended.

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